

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
MARCH 8, 2005**

Place: Room 206  
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:  
Damanti, Spain, Forman, Conze, Kenny

STAFF ATTENDING: Keating  
COURT RECORDER: Wandzalek

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The meeting was called to order by Mr. Damanti.

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Business Site Plan #236/Special Permit, Ronald Rainone, d/b/a Noroton Tailors & Cleaners, 1918 Boston Post Road.** Proposing to establish a dry-cleaning and tailoring business in the space formerly occupied by a drive-in insurance claims office. The subject property is located on the south side of Boston Post Road, approximately 70 feet west of its intersection with Ring's End Road, and is shown on Assessor's Map #51 as Lot #37, NB Zone. *PUBLIC HEARING OPENED FEBRUARY 1, 2005.*

Attorney Wilder Gleason was present representing Mr. & Mrs. Gaffney. The following documents were submitted for review by the Commission. (1) A letter from Mr. and Mrs. Gaffney; (2) A neighborhood petition dated March 5; (3) A newspaper article regarding 1918 Boston Post Road.

Mr. Gaffney also submitted an e-mail that he received from a friend who works for the Environmental Protection Agency. Mr. Damanti then asked for a few minutes for the Commission to review the e-mail. Chris Krediet, attorney representing Noroton Tailors & Cleaners, also read the e-mail. The e-mail was from Mr. Bill McCabe, dated 3/4/2005 regarding the PureDry product. Mr. Kenny then asked for clarification and was told that the e-mail does not reflect the opinion of the Environmental Protection Agency (EPA), just that of Mr. Gaffney's friend who happens to work for the EPA.

Mr. Spain then directed a question to Mr. Gleason, asking if his clients felt that this PureDry solvent was hazardous. Mr. Gaffney answered the question that his friend, who sent the EPA e-mail referred to above, provided his personal opinion, and that he said that PureDry was a "trade secret" and that he had no access to the information, and that it was "unspecified", and he really did not know what was in the product. Mr. Spain then asked Mr. Gaffney how PureDry was considered a hazardous material substance. Mr. Gaffney answered that at the flashpoint level, this solvent would lose its status as a non-hazardous material and that its residue is a hazardous waste material. If it is not handled properly, it will become a hazmat at a certain flashpoint. Mr. Gaffney also stated that he does not agree with Mr. Krediet that PureDry is non-hazardous.

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Mr. Krediet then referred to Mr. Bob Smith's testimony that PurDry is not a hazardous material and stated that Mr. Smith's testimony should stand, since nothing to the contrary had been submitted by any other expert. Mr. Krediet then also explained that what was missing from the Mr. McCabe's e-mail was evidence refuting their submitted reports that PureDry is non-toxic. The e-mail made no reference to toxicology or the laboratory report that was submitted. There was nothing to refute, or maybe it was not mentioned. Mr. Krediet went on to say that the current MSDS sheet submitted on March 1 does not have a limitation on it. The flash point is not subject to change and it not an issue under different or changing conditions.

Further discussion included the subject of vents in the dry cleaning building. Mr. Gaffney felt that if the use is permitted, any venting should come from the front of the building. The neighbors also thought that this was the preferred way.

Mr. Krediet also wanted to know what people actually signed on the March 5 petition, since he did not previously see that or the individual, one page letters. He also stated that the newspaper article submitted for review was not totally factual with regard to testimony heard at the March 1 Planning & Zoning Commission meeting and the preceding one. Mr. Spain then stated that all the signatures were on documents dated after the newspaper article was published, and that the Commission must take this into consideration when reviewing these signatures. Mr. Damanti referred to the signatures on the petition and letter, and said that in his opinion, these signatures were based on the newspaper article and not on actual Planning & Zoning meeting testimony.

Mr. Krediet, referring to the petition, said that the signatures he had read were the neighbors' opposition. He also referred to inaccuracies in the newspaper article regarding the toxicity of PureDry, which information was from an outdated MSDS sheet on flashpoint and residue concerns.

Mr. Spain had a question regarding some issues raised on the site plan with reference to the barrier on the south side of the sidewalk, which has width and some shrubbery. Could this be reconfigured to make it thinner, leaving more room for cars to maneuver, and also leave a protective sidewalk? Mr. Krediet replied that his client would be willing to work with the existing barrier to make it better fit any requirements.

Mr. David Dorrance, addressed the Commission with his concerns for parking and safety issues. He stated he was a lifelong resident of the Noroton area and that he remembers when the site was an Esso gas station. He thought that a business of this kind will raise issues with parking, especially with cars backing in and out near the Noroton Avenue traffic light. He referred to the many walkers in this area, with a large number of them being children walking to Hindley Elementary School. He objects to this business going into this area. Noroton is a special neighborhood, and he asked the Commission to please consider this when making their decision.

There being no further questions or comments from the general public or commission members, Mr. Kenny made a motion to close the public hearing on this matter. Mrs. Forman seconded that motion, which was unanimously approved by the Commission.

The Commission then went to a GENERAL MEETING, and Mr. Damanti read the first general meeting agenda item:

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**Discussion regarding February 23, 2005 letter received from Anne Lynn, Darien Housing Authority.**

Mrs. Anne Lynn, Commissioner of the Darien Housing Authority, addressed the Commission, stating that she was one of five Commissioners on the Darien Housing Authority Board. Mrs. Lynn then distributed a document stating what the Housing Authority does and related background material.

Mrs. Lynn then opened the discussion by stating that the Senior Housing on Boston Post Road and the Allen – O’Neill Housing developments do not receive any subsidies from the state or federal governments for subsidized housing, nor will they be able to get any future government funding for them. Neither the Senior Housing nor the Allen -O’Neill housing have any outstanding mortgages on them.

The rents for both developments are modest, and are dependent on the occupant’s income. The apartment building in the Allen - O’Neill housing is now one hundred years old, and maintenance costs are exceeding the rents that are paid. There is simply not enough operating income. She also noted that Clock Hill Homes, moderately-priced condominium units, are not run by the Housing Authority, but that they merely keep the waiting lists of income qualified candidates for them.

Mr. Conze then asked Mrs. Lynn how the Planning & Zoning Commission can help with any financing or money matters. Mrs. Lynn went on to explain the concept of “inclusionary zoning” which many communities have in place to ensure affordable housing availability for everyone, regardless of income. The Town could have a mechanism for doing this. She stated that any development that takes place in town should include housing for those who cannot afford it and that the builders should provide this affordable housing. The town can ensure that this could be implemented, by giving builders certain concessions such as setback, variances, etc. or density incentives. If builders preferred not to create the actual affordable dwelling units, they could fulfill their responsibility by making a one time or annual monetary contribution to an “affordable housing fund.” This money could sustain the lower-income housing provide to the community by the Housing Authority. The Housing Authority currently has to depend on only the modest rents for maintenance of this housing.

Mrs. Lynn asked that for any new properties being developed, could the town put such a mechanism in place for builders to allow more affordable housing in Darien. She went on to say that many of our elderly, who are lifetime residents, cannot afford to stay in Darien. The grants and loans that were obtained five years ago have been used for maintenance and are no longer available.

Mr. Damanti then asked if the Housing Authority could get another mortgage, since the old ones are paid off. Mrs. Lynn replied that there is no longer any state or HUD money for this purpose and the income from the rents would not be enough to pay off a new mortgage from a bank.

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Mr. Conze made the suggestion that this concern should be included in the new Town Plan of Conservation & Development being written up now. He state that this was a community-wide problem and that the entire town must be committed to supporting this affordable housing. This was also a matter for the Selectman's office. He also stated that they do not want to tax business development in town and that this is a charge to allocate money to support affordable housing.

Mr. Damanti then asked Mrs. Lynn what kind of money the Housing Authority was looking for over a ten-year period. Mrs. Lynn gave the example of \$100,000 per year for the Allen - O'Neill housing project. Mrs. Lynn then added that with inclusionary zoning, the Commission could offer concessions to builders and a density bonus, and have the builder "share with the town".

Mr. Kenny referred to conversations he had with Ms. Jo Tatum, Housing Authority, and Mr. David Keating, Planning & Zoning, this morning. He gave an example that there could be payments in lieu of sidewalks for a new subdivision in North Darien, allowing building, repair, or maintenance of sidewalks where needed closer to the middle of Town. The Commission may be able to implement a similar payment regarding affordable housing.

Mr. Damanti said that giving bonuses to builders in a small town is a problem, as there are problems with space and traffic flow. The current regulations for multi-family housing in the DBR and DMR zones already include incentives to encourage developers to voluntarily create affordable housing, but nothing in those regulations or the subdivision regulations require that affordable housing must be included in each development. The incentive zoning allows for voluntary participation, but the inclusionary zoning would mandate that affordable hosing be included in every project (or the developer could make a payment to the housing fund). Mr. Damanti then asked Mrs. Lynn about how much rent increase would be needed to meet this \$100,000 a year maintenance cost. Mrs. Lynn stated that the increase would be too high for many of the occupants to afford.

Mr. Conze suggested placing parking meters downtown and using this revenue for housing expenses and many other projects in town. Mr. Damanti emphasized again to Mrs. Lynn that this really has to be a town-wide concern, including Planning & Zoning and other Boards.

Mrs. Forman asked about a capital gains tax or conveyance tax when you sell a home, that these might be other sources of revenue. Mr. Spain thought that any and all Town Boards have a responsibility for the problems faced by the Darien Housing Authority. Mrs. Forman told Mrs. Lynn that they should not stay "under the radar", and that all citizens have to take responsibility for a project of this nature concerning affordable housing for all.

Mr. Spain thought that a more steady flow of revenue was needed, and not just the stream of builders when they are doing projects. He thought the conveyance tax was a more steady stream of income for this purpose. Mrs. Lynn also reminded the Commission that there was no longer any HUD money or block grants to assist them.

The Commission felt that this issue should be put into the Town Plan so it will be in the forefront. The Town will make a commitment to this and must maintain this housing. Mr. Damanti made the suggestion that the Housing Authority should enhance and address the issues of affordable housing in the Town Plan and identify specific ways to raise this money for maintenance. Mr.

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Spain thought that there should be some type of comparison done to another community similar to Darien.

Mr. Kenny reminded everyone that there was not much property left to develop in Darien and that the town is built out, about 97% as of now. Mrs. Forman added that the town must adopt a “philosophy” in the Town Plan, with a commitment to retaining what we have, especially by the Selectman’s Office. Mr. Damanti said that this housing problem requires more than “inclusionary zoning”. We need a lot more to address this. Mr. Conze suggested that this be a part of the Town Plan Objectives.

Mr. Damanti told Mrs. Lynn that the Planning & Zoning Commission would work with the Darien Housing Authority, but that they would have to involve other town agencies and departments as well. Mr. Spain also noted that the Housing Authority needed more immediate help, especially with the way the revenues are right now.

All agreed that there should be more meetings discussing this matter as part of the update of the Town Plan of Conservation & Development over the next few months.

**Approval of Minutes**

*February 22, 2005 Public Hearing/General Meeting*

A motion was made by Mr. Kenny to approve these minutes as written. That motion was seconded by Mrs. Forman, and unanimously approved by a vote of 5-0.

**Any Other Business**

Mr. Kenny made a motion to discuss the YMCA under other business. Mr. Conze seconded the motion and all voted in favor.

Mr. Keating explained that the YMCA has been working with the staff and neighbors to clarify and resolve the issues regarding the recent Special Permit. They have asked for a 30 day extension to wrap up the process of revising the plans and finalizing the Special Permit. The following motion was made: That the Commission approve the 30 day extension of time to finalize the Special Permit. The motion was made by Mr. Kenny, seconded by Mrs. Forman, and unanimously approved.

There being no other business, the meeting was adjourned at 9:20 P.M.

Respectfully submitted,

David J. Keating